

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
) WC Docket No. 10-90
Connect America Fund) WC Docket No. 14-93
)
) DA 14-1397

**Statement of James Daley in Support of
Charter Communications, Inc.'s Response to CAF Phase II Challenge**

I, James Daley, state and declare as follows:

1. I am the Vice President of Billing Operations for Charter Communications, Inc. (“Charter”). I am providing this declaration in support of Charter’s accompanying response to challenges that four providers—CenturyLink, Inc.; Windstream Communications; Fairpoint Communications, Inc.; and Consolidated Communications—have made to the “served” status of census blocks as listed in the appendix to the Bureau’s Public Notice, Replies Sought in Connect America Phase II Challenge Process, WC Docket No. 10-90 et al., DA 14-1397 (WCB rel. Sept. 26, 2014) (“Public Notice”).
2. In my capacity as Charter’s Vice President of Billing Operations:
 - a. I have personal knowledge of (and am responsible and accountable for) the design, implementation, accuracy, and operation of Charter’s billing systems;
 - b. I further have personal knowledge of data that Charter maintains in the regular course of business regarding the areas that Charter serves, its

current and historical customers, and serviceable homes within its footprint;

- c. I have worked with the marketing, and business intelligence departments of Charter to identify the census blocks where Charter maintains plant and where it provides and offers voice and broadband services; and
- d. I have worked with those same departments to gather the associated evidence in support of Charter's FCC Form 505 filing.
- e. The statements in this declaration are based on my personal knowledge, including from persons working at my direction and/or under my supervision.

3. The Commission's September 26, 2014 Public Notice appends a list of census blocks initially deemed by the FCC to be ineligible for Connect America Fund Phase II (CAF) support, but for which challengers have presented served-to-unserved challenges (the "Challenge Blocks"). As explained below, Charter has reviewed various sources of information regarding the Challenge Blocks and, with respect to 5,502 of the Challenge Blocks, confirmed the FCC's original assessment that those blocks are ineligible for CAF support because they are already served by Charter.

4. Specifically, Charter has further confirmed, with respect to 1,347 of the Challenge Blocks, that it currently provides broadband and voice services meeting the performance and pricing metrics set forth in Commission rules. Charter offers broadband service in these blocks at speeds of at least 4 Mbps downstream and 1 Mbps upstream, with a minimum usage allowance of at least 100 GB/month, at a round-trip latency of 100 mms or less, and at a price that is

reasonably comparable to rates in urban areas;¹ Charter provides voice service in these blocks at a price that is reasonably comparable to rates in urban areas; and Charter has records of serving a current or former customer in these blocks. For an additional 4,155 census blocks, Charter serves the same services and holds itself out to the public as offering these services, but cannot with certainty confirm that any of its current or former voice or broadband customers are located within the block (although Charter does serve customers with cable video services in many of those census blocks).

5. Charter's accompanying Response attaches two Forms 505 identifying these census blocks:

- a. The First Form 505 lists 1,347 census blocks in which Charter has confirmed that a current or former voice and broadband subscriber is located in the census block (hereinafter "Form 505-1").
- b. The second FCC Form 505 lists 4,155 census blocks in which Charter serves the requisite voice and broadband service but cannot confirm that any of its current or former voice or broadband subscribers are located within the census block (hereinafter "Form 505-2").
- c. Charter has deployed voice and broadband-capable physical assets typically capable of serving both voice and broadband in the blocks listed in both Forms 505-1 and 505-2, and which could be provisioned within

¹ See, e.g., 2014 Measuring Broadband America Fixed Broadband Report; A Report on Consumer Fixed Broadband Performance in the U.S.; Office of Engineering and Technology and Consumer and Governmental Affairs Bureau at 16 (updated June 18, 2014) (describing average latency of cable broadband services well below 100 ms).

seven to ten business days, without any special construction charges or construction fee.

Form 505-1: Blocks with Confirmed Current and Former Charter Customers

6. In the Form 505-1 blocks, Charter is: (1) offering voice and broadband service; (2) has deployed voice and broadband-capable physical assets in the block; and, (3) has records confirming current and/or former customers subscribing to each service.

7. Charter identified the 1,347 census blocks on Form 505-1 by querying its Enterprise Data Warehouse (“EDW”) database, which maintains current and historical data from Charter’s operational billing database. Charter’s operational billing database maintains the addresses of customers subscribing to, among other services, Charter’s voice and data plans. Charter’s EDW database also retains such information for past billing periods. In addition, Charter’s Customer Care and Billing Systems, and the EDW database they feed, maintain the addresses of locations as to which Charter has determined that Charter is capable of providing voice and data services to the address, generally from Charter representatives working in the field, or because Charter already serves the address for cable video services and has identified the home as one to which it could add voice and broadband using the same facilities upon customer request. Charter relies on the accuracy of its billing database both to bill customers for services being currently provided, and to enable Charter’s customer service representatives to market and sell services to consumers. Therefore, Charter is confident in the accuracy of the data in the database.

8. To confirm its provision of service to the 1,347 Form 505-1 Blocks, Charter utilized the following process:

- a. First, Charter queried its EDW database for the addresses of all current or former subscribers of voice and data services meeting the performance and pricing metrics set forth in Commission rules.
- b. Second, working with an outside vendor, Frontier GeoTek, Charter mapped the identified addresses onto census blocks as follows:
 - i. Frontier GeoTek obtained geocoding information for each individual address by (using a service from a well-known vendor, Lightspeed Strategic Systems Solutions) querying five different sources for the latitude and longitude of each address, and choosing the source that provided the most accurate and reliable level of geocoding information. In order to ensure a high level of confidence in the accuracy of the geocoding data, Charter took the conservative approach of utilizing the geocoding results *only* if the vendor could reliably provide coordinates with street-level or higher accuracy.
 - ii. Next, Frontier Geotek matched those resulting coordinates against public data sets made available by the United States Census Bureau identifying the boundaries of each census block, thus allowing the matching of each address for which accurate geocoding information was available with the corresponding census block.

9. The process described in Paragraph 8 thus confirms that, within each census block listed on Form 505-1:

- a. Charter can serve homes for both voice and broadband service; and
- b. Charter has at least one current or former customer who receives voice services, data services, or, in many cases, both.

10. Charter has attached to this filing as Appendix 505-1(A) representative redacted bills for the Form 505-1 Blocks² as additional evidence of the existence of current or former customers in those blocks.³ To comply with applicable privacy statutes, including ECPA, Section 222 of the Telecommunications Act, and Section 631 of the Cable Act, Charter redacted personally identifiable, or otherwise protected, information as well as non-relevant information. Because of the rural nature of some of the census blocks, Charter was required to redact the street name as well as street addresses of customers.⁴

11. Additionally, as further evidence in support of its provision of voice and data services to the Form 505-1 Blocks, Charter has attached as Appendix 505-1(B) sample screen

² Charter has confirmed through its billing records the existence of a current and/or former customer in each individual block listed on Form 505-1. Charter has sought to include in Appendix 505-1(A) a representative bill for each census block when such a bill was available; however Charter does not retain or was not able to locate within the time provided customer bills for every Form 505-1 Block in which it has a confirmed billing record.

³ Due to the volume of these materials, Charter is electronically filing an index and submitting the underlying exhibits to the Commission on machine readable media.

⁴ Some of the attached bills show a customer purchasing broadband service or voice service but not both. However, except for a small number of areas in its footprint, Charter provides voice service everywhere it provides broadband service and vice versa. That is because Charter's voice service uses Voice over Internet Protocol ("VoIP") and thus utilizes the same infrastructure as Charter's broadband service. Charter has excluded from Form 505-1 any of the small number of census blocks it cannot serve with voice services. Accordingly, the attached bills showing the purchase of either voice or broadband service demonstrate that Charter offers both services to that address. Moreover, where a customer has subscribed to one service such as voice, a number of the bills include marketing messages for additional services such as broadband, which further demonstrates the offering of both services in the census block.

shots from Charter's consumer-facing online service qualification ("OSQ") tool,⁵ located at charter.com, of addresses within the Form 505-1 Blocks that demonstrate from a consumer perspective that Charter is offering both voice and broadband services in those census blocks.

Due to the volume of the census blocks that were wrongly challenged in this proceeding, Charter has not sought to present a screenshot for every individual address, but is rather attaching non-exhaustive samples (for representative addresses the census blocks at issue) to illustrate what a customer within those census blocks would see when requesting serviceability information through the Charter website.⁶ As with the customer bills described in Paragraph 10 above, Charter has redacted these screenshots to protect the privacy of its customers.

Form 505-2: Census Blocks Where Charter Offers Service

12. In the 4,155 Form 505-2 Blocks, Charter serves the requisite voice and broadband service but cannot confirm with certainty that any of its current or former customers are located within the census block. Nevertheless, Charter has deployed voice and broadband-capable physical assets typically capable of serving both voice and broadband in the blocks listed, and which could be provisioned within seven to ten business days, without any special construction charges or construction fee.

13. To confirm its serving and offering of service to the 4,155 Form 505-2 Blocks, Charter utilized the following process:

⁵ Charter's OSQ tool, which is a marketing device, was not designed specifically to identify census blocks where Charter has deployed broadband and voice services. It thus does not comprehensively cover every address in which Charter's provides or is capable of providing service, as confirmed by the billing and engineering data described in this declaration.

⁶ Due to the volume of these materials, Charter is electronically filing an index and submitting the underlying exhibits to the Commission on machine readable media.

- a. First, working with Frontier GeoTek, Charter consulted its engineering maps that indicate the geocoded locations of Charter's plant, including locations serviceable by Charter based on proximity to Charter's existing nodes. Charter regularly relies on its plant maps for engineering operations, and undertook a substantial analysis to further limit its engineering data based on recorded parcel and lot locations in recent years. As a result of these efforts, Charter has a high degree of confidence that its engineering maps accurately reflect locations in which Charter has plant and serves voice and data services.
- b. Second, using a process very similar to the one described in Paragraph 8(b)(ii) above, Charter compared the geocoded locations serviceable by its plant, as confirmed by its engineering maps, to the geocoded locations of census blocks as reflected in data made available by the U.S. Census Bureau. For each census block listed on Form 505-2, Charter has confirmed that its plant is capable of serving locations within the census block.
- c. In addition to consulting its engineering maps described in Paragraph 13(a) above, Charter also consulted its EDW database described in Paragraph 7 above. As stated earlier, Charter's EDW database includes not only addresses at which Charter has a current or former customer, but also addresses where Charter has already made a determination that it is capable of providing service, either for purposes of marketing to those locations or because Charter already serves cable video customers at the

address and has determined that the same homes are serviceable for broadband and data.

- i. Charter has not comprehensively cataloged in its EDW database *every* address at which it can provide service, and therefore would not expect its EDW database (which comprises primarily billing data) to encompass every census block in which Charter offers service.
- ii. Nonetheless, for 883 of the census blocks on Form 505-2, Charter's EDW database already confirms specific customer addresses within the census block that are both broadband- and voice-serviceable by Charter.

14. The engineering data that Charter consulted for purposes of the analysis described in paragraph 13(a) above shows the locations of Charter's plant, and confirm that Charter plant is either within or sufficiently adjacent to each of the Form 505-2 Blocks to serve homes within those blocks. Charter is submitting as Appendix 505-2(A) twenty-five illustrative, non-exhaustive examples of the types of plant and engineering data it consulted to confirm its provision of service within the Form 505-2 Blocks.⁷

15. In addition, to confirm that it serves addresses within the census blocks listed in Form 505-2, Charter is attaching additional screenshots from its consumer-facing OSQ tool showing that Charter holds itself out as providing voice and broadband services within the relevant census blocks. Again, due to the volume of the census blocks challenged in this

⁷ Due to the confidentiality of Charter's engineering materials, these example maps are being filed with the Commission confidentially.

proceeding, Charter is attaching a non-exhaustive sampling of screenshots from its OSQ tool, from representative addresses within 500 of the census blocks listed on Form 505-2 to show Charter's offering of service in those blocks. Those illustrative examples are attached as Appendix 505-2(B).⁸

- a. In addition, CenturyLink's challenge specifically asserted that Charter's OSQ tool shows no serviceability at any address within a large number of census blocks. Although the volume of those census blocks made it impractical to search all addresses within those blocks, Appendix 505-2(B) includes a non-exhaustive sampling of addresses within the census blocks challenged by CenturyLink in this manner and for which Charter was readily able to locate screenshots indicating the availability of Charter's broadband and voice services. Those screenshots are identified within Appendix 505-2(B) by the column "Sample CenturyLink Exhibit 7 Census Block."⁹

16. Finally, Charter's direct mail marketing materials further confirm that it serves voice and broadband services to the Form 505-2 blocks:

- a. Charter has sent marketing materials to many of the 505-2 Blocks as to which Charter's EDW database already identifies addresses serviceable for voice and broadband within the census blocks (as indicated in Paragraph 13(c)(ii) above). Again, due to the volume of census blocks

⁸ Due to the volume of these materials, Charter is electronically filing an index and submitting the underlying exhibits to the Commission on machine readable media.

⁹ Because some of CenturyLink's challenge on this theory also pertained to census blocks where Charter has current or former customers, Appendix 505-1(A) contains a similar column.

challenged, and due to the fact that Charter does not always retain past marketing materials in a manner that can be easily retrieved without substantial cost and expense, Charter has not purported exhaustively to catalog every address to which it has advertised within the Form 505-2 Blocks. However, Charter has attached as Appendix 505-2(C) non-exhaustive samples of advertisements it has sent to representative addresses in 15% of the Form 505-2 Blocks.¹⁰

- b. In addition, Charter has plans to send additional direct mail marketing materials advertising voice and broadband services to addresses within the Form 505-2 Blocks. Charter has attached as Appendix 505-2(D) a sample of marketing materials it has current plans to send to additional addresses within many of the Form 505-2 Blocks.

17. With respect to the Form 505-2 blocks, there are a number of reasons why Charter might not have records of a current or former customer in a census block in which Charter offers the requisite services:

- a. For example, many census blocks are located in extremely rural areas where there are few potential customers;
- b. In other census blocks, Charter may have deployed plant in new housing subdivisions where home purchasers have not yet taken possession;
- c. Indeed, as mentioned in Paragraph 13(c)(ii) above, in many of these census blocks Charter has records that it could serve addresses at issue,

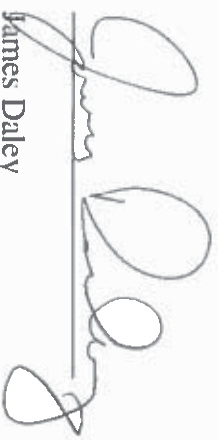
¹⁰ Charter's direct mail advertisements are often targeted at areas wider than individual census blocks, and individual advertisements are thus often relevant with respect to multiple census blocks on Form 505-2, as indicated on the index to Appendix 505-2(C).

and even records of cable customers who would rely on the same plant if they subscribed to voice and broadband services;

- d. In addition, as mentioned in Paragraph 8(b)(i) above, Charter utilized a conservative geocoding process in which it relied, for purposes of the data regarding current and former subscribers attached in Appendix 505-1(A), on geocoding information only when the geocoding process could reliably geolocate an address with street-level accuracy or higher. As a result, Charter omitted from its response a large number of known addresses at which it provides service due to the presence of some uncertainty as to the precise census block in which those addresses are located. It is likely that many of the addresses Charter omitted due to this cautious approach are, in fact, located in the Form 505-2 census blocks.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 10, 2014 in Stamford, CT



James Daley